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SIPDIS

SENSITIVE
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FRANKFURT FOR RCO

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TAGS: CASC PREL MW
SUBJECT: ABUSE ALLEGATIONS INTENSIFY AS EAGLE'S FLIGHT CASE
PROGRESSES

11. (U) Summary: On September 9, 2006 the Montenegrin police arrested 12 individuals, including three American citizens, on suspicion of planning to use violence to disrupt the Parliamentary elections scheduled for September 10. An additional six were named in the indictment, three of whom are not yet in Montenegrin custody. The individuals have been on trial since May 14. Family members have conducted an active campaign in Montenegro and the US and are asserting the innocence of the accused. In recent weeks the campaign has become more strident in tone, increased the focus on charges of police abuse and expanded to include all Albanians, not just Americans charged in the case. End summary

12. (U) Montenegrin police arrested nine Albanian-Montenegrins and three Albanian-Americans on September 9, acting on the basis of information received that a group of individuals planned to disrupt the elections by firebombing mosques, kidnapping and/or assassinating an ethnic Albanian member of Parliament, and damaging government buildings. Police also seized a cache of weapons. Although many of these were old rifles and thus not unusual in a country where guns are common, but nonetheless require licenses, there were also rocket propelled grenade launchers and grenades among the weapons seized. A fourth American citizen sought in connection with the purported plot was subsequently arrested in Vienna and Montenegro applied for his extradition. Austrian courts have ruled favorably on that request and action is now with the Austrian Ministry of Justice and Foreign Affairs.

13. (U) The Montenegrin prosecutor has charged that the Americans are associated with an Albanian organization in Detroit, loosely translated as the Albanian Immigrants Association, which had previously provided funding to the Kosovo Liberation Army and began in 2004/05 to promote the establishment of an Albanian organization in the Podgorica area whose purpose would be to create autonomous Albanian zones within Montenegro. The prosecutor has charged that American citizens promised the Montenegro based organization financial support as well as armed fighters from Kosovo.

¶4. (SBU) During the initial consular visit with the detainees on September 13, one had a very visible black eye, but declined the consular officer's offer to protest this. All three professed their innocence. In following weeks, family members went to the press with reports of excessive force used by police at the time of arrest and subsequently while the detainees awaited their initial appearance before a magistrate on September 11 and 12. Taking note of the press reports, on October 16, 2006, the Charge urged the Minister of the Interior to initiate an investigation. During a consular visit on October 27, 2006, the three Americans signed statements asking the consular officer to officially protest their mistreatment at the hands of the police. According to contemporaneous notes they alleged that during the first three days following arrest they had been kicked, beaten, shoved, had their hair pulled and were denied food. One stated that he had a gun pointed at his head. Another stated that he had a plastic bag placed over his head and that a policeman had threatened to take him to the north of Montenegro and kill him. The Embassy on November 2 formally requested via diplomatic note that the government of Montenegro fully investigate these allegations of abuse and take all appropriate measures to protect the rights of the detainees.

¶5. (U) The Embassy has visited the detainees on a regular basis and sought to be responsive to their requests for medical attention, phone calls to family in the US, and visits of family members outside of regular visiting hours. The Embassy has facilitated meetings for family members with senior Montenegrin officials, and Embassy representatives have also met with family members, representatives of the Albanian-American community who have an interest in the case or who have been described as legal representatives of two of the detainees. Initially the focus was

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on the individuals' innocence and their perceived inability to get a fair trial in Montenegro. There were complaints about the length of time which elapsed between the September 9 arrest and the December 7 filing of formal charges. (Embassy notes that in a terrorism related case in the FRG, the arrest occurred in July, 06 and formal charges weren't filed until the end of April, 07) The Embassy was repeatedly in touch with the Judiciary to urge an early start date for the trial as well as regarding arrangements for interpretation. The trial is conducted in the local variant of Serbian and the Americans all requested interpretation in Albanian; this request was granted.

¶6. (SBU) Meeting with the Charge on February 7, 2007, an Albanian-American lawyer who was at that time a legal representative of at least two of the Americans, the lawyer stated that his clients were innocent and deserved medals, rather than arrest because when the use of violence came up at a meeting they argued against it. When asked by the Charge if the two had reported the matter to the authorities, he did not respond.

¶7. (SBU) The trial began on May 14 and as it has progressed Post has seen a shift in the focus of the family members and supporters. While continuing to assert innocence, the focus increasingly is on the allegations of abuse, now routinely described as torture by the family members. The most outspoken family member, who arrived in Montenegro shortly after the arrests and has been here for much of the intervening time, recently returned to the US to call on members of Congress and various Albanian-American organizations to discuss the case and elicit support. The tone of the letters and inquires from groups in the US now focuses not just on the Americans on trial, but also on the treatment of Albanian-Montenegrins. The tone has

become more strident and descriptions of the initial abuse have grown. For example, in a letter recently received from an Albanian-American organization it is asserted that one of the Americans had three of his ribs broken and was transported to an isolated and wooded area where a pistol was held to his head and he was threatened with execution. (see para 4 for contemporaneous account where he did not mention gun being pointed at his head. mention) . There is no medical confirmation of broken ribs. The detainees have been seen by independent medical personnel.

¶18. (SBU) Letters from Albanian-American organizations now deal with the treatment of the American citizens and that of Montenegrins. In one there is allegation that a Montenegrin defendant had his arm broken by the police. A defendant appeared in court recently, that is more than eight months after the arrests, with his arm in a sling. According to the prison warden he slipped in prison and suffered a fracture. While it is possible that the prisoner was the victim of abuse by prison authorities, it is notable that the Americans have not/not alleged any abuse by prison authorities, referring only to abuse in the immediate aftermath of arrest. Another new assertion is that police used a blow torch to try and remove an Albanian symbol tattoo from one of the Montenegrin defendant's body. Post is sharing these charges with the Prosecutor's office which took over the investigation of police abuse after a police investigation proved inconclusive.

¶19. (U) A member of the US Congress twice phoned the Montenegrin Ambassador in Washington seeking a pardon for the Americans, although they have not been convicted of anything. The Member then followed up with a phone call to the Montenegrin Prime Minister the week of June 18 which resulted in official complaints to the Department and the Charge.

¶10. (SBU) A second Albanian-American lawyer who has observed the trial recently told the Embassy that he believed all defendants would be found guilty, with some receiving long prison sentences. He was critical of the defendants' lawyers for their failure to move the process along by allowing their clients to

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making lengthy statements of marginal value to their defense.

¶11. (SBU) Whether it is the prospect of the arrival of the American arrested in Vienna, whom Montenegrins view as the key figure in the alleged plot, the fact that trial is entering its end phase, or the somber assessment of an American attorney, the supporters' campaign has become more strident and criticism of the Embassy's actions has reached new levels. The adjournment of the trial until September 11 is certain to precipitate further criticism that the Embassy has not done enough on behalf of the Americans.

¶12. (SBU) Post is hampered by staffing gaps, there is no consular officer at present and the consular assistant who has tracked the case will be resigning in early August. Nonetheless, Post will continue to monitor the case, provide appropriate assistance and attempt to provide factual information. It is clear that the campaign of sensationalist information is having an impact among groups in the US. It may, however, play less well here, witness the reaction to the Congressional call.

BARNES